

**GUTRIDE SAFIER LLP**

Seth A. Safier (State Bar No. 197427)

seth@gutrideafier.com

Marie A. McCrary (State Bar No. 262670)

marie@gutridesafier.com

Hayley A. Reynolds (State Bar No. 306427)

hayley@gutridesafier.com

100 Pine Street, Suite 1250

San Francisco, CA 94111

Telephone: (415) 639-9090

Facsimile: (415) 449-6469

Matthew T. McCrary (admitted *pro hac vice*)

matt@gutridesafier.com

Kali R. Backer (admitted *pro hac vice*)

kali@gutridesafier.com

4450 Arapahoe Ave., Suite 100

Boulder, CO 80303

Telephone: (415) 639-9090

Facsimile: (415) 449-6469

*Attorneys for Plaintiffs*

**UNITED STATES DISTRICT COURT FOR THE**

**NORTHERN DISTRICT OF CALIFORNIA**

MOLLY BROWN, PARSA MILLER, and  
LAUREN MORGAN as individuals, on behalf of  
themselves, the general public and those similarly  
situated,

Plaintiffs,

v.

NATURE'S PATH FOODS, INC.,

Defendant.

Case No.: 4:21-cv-05132-HSG

**NOTICE OF ACCEPTANCE WITH  
DEFENDANT'S OFFER OF  
JUDGMENT**

**PLEASE TAKE NOTICE** that, on October 11, 2023, Defendant served on Plaintiffs a written offer of Judgment on specified terms pursuant to Rule 68 of the Federal Rules of Civil Procedure, a copy of which is attached hereto as Exhibit 1. Within the 14 day period specified in Rule 68, on October 18, 2023, Plaintiffs served their written acceptance of the offer, a copy of which is attached hereto as Exhibit 2.

///

**GUTRIDE SAFIER LLP**

/s/Seth A. Safier/s/

Seth A. Safier (State Bar No. 197427)

seth@gutrideafier.com

Marie A. McCrary (State Bar No. 262670)

marie@gutridesafier.com

Hayley A. Reynolds (State Bar No. 306427)

hayley@gutridesafier.com

100 Pine Street, Suite 1250

San Francisco, CA 94111

Telephone: (415) 639-9090

Facsimile: (415) 449-6469

*Attorneys for Plaintiffs*

# Exhibit 1

October 11, 2023

**Offer of Judgment Pursuant to Rule 68 of the Federal Rules of Civil Procedure**

*Via E-mail: [seth@gutridesafier.com](mailto:seth@gutridesafier.com)*

Seth Safier  
Gutride Safier LLP  
100 Pine St #1250  
San Francisco, CA 94111

Re: *Brown et. al v. Nature's Path Foods*, No. 3:21-cv-05132 (N.D. Cal.)  
*Morrissey v. Nature's Path Foods, Inc.*  
*Kouyate v. Nature's Path Foods, Inc.*

Counsel:

This is a letter addressed to you and your clients—Molly Brown, Parsa Miller, Lauren Morgan, Michael McBride, Kaaron Warren, Brenden Morrissey and Moussa Kouyate (collectively, “Your Clients”) offering entry of judgment pursuant to Rule 68 of the Federal Rules of Civil Procedure. This is a written offer of settlement and, as such, Business and Professions Code section 6103.5, California Rule of Professional Conduct 3-510(a), New York Rule of Professional Conduct 1.4(a)(iii), and Massachusetts Rule of Professional Conduct 1.4 each require that you forward this communication to Your Clients. We are entitled to learn, in discovery, if you have done so.

Our proposal, as set forth further below, is: \$10,000 to each of Your Clients, and \$930,000 to be paid to Gutride Safier LLP, for a total sum of \$1 million dollars, to include all damages, costs, and attorneys’ fees that may otherwise be recoverable by Your Clients in the above-captioned actions. This offer is premised on ***all*** of Your Clients accepting. This offer of judgment is made for the purposes specified in Rule 68 of the Federal Rules of Civil Procedure and is not to be construed either as an admission that Defendant is liable in this action or that any of Your Clients’ claims have merit or that Your Clients have suffered any damages. If accepted, this offer will result in Plaintiffs’ release of all current claims against Defendant in the above-captioned matters and the dismissal of the already-filed matter(s) with prejudice.

Pursuant to Rule 68, this offer of judgment will be deemed withdrawn unless Your Clients serve written notice of acceptance of the offer within fourteen (14) days of the date it is served. If any judgment finally obtained by Your Clients is not more favorable than the offer above, Your Clients must pay Defendant’s costs incurred after the offer was made, pursuant to Rule 68

**MORRISON FOERSTER**

425 MARKET STREET  
SAN FRANCISCO  
CALIFORNIA 94105-2482

TELEPHONE: 415.268.7000  
FACSIMILE: 415.268.7522

WWW.MOFO.COM

MORRISON & FOERSTER LLP

AUSTIN, BEIJING, BERLIN, BOSTON,  
BRUSSELS, DENVER, HONG KONG,  
LONDON, LOS ANGELES, MIAMI,  
NEW YORK, PALO ALTO, SAN DIEGO,  
SAN FRANCISCO, SHANGHAI, SINGAPORE,  
TOKYO, WASHINGTON, D.C.

Sincerely,



Claudia M. Vetesi

## Exhibit 2

October 18, 2023

**ACCEPTANCE OF OFFER OF JUDGMENT PURSUANT TO RULE 68 OF THE FEDERAL RULES OF CIVIL PROCEDURE**

**VIA E-MAIL**

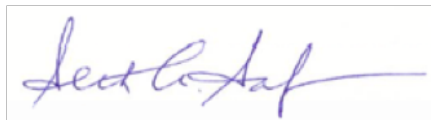
Claudia M. Vetesi  
Morrison Foerster  
425 Market Street  
San Francisco, CA 94105  
cvetesi@mofo.com

Re: *Brown et. al v. Nature's Path Foods*, No. 3:21-cv-05132 (N.D. Cal.)

Dear Claudia:

I write to serve written notice pursuant to Rule 68 of the Federal Rules of Civil Procedure that Molly Brown, Parsa Miller, Lauren Morgan, Michal McBride, Kaaron Warren, Brenden Morrissey, and Moussa Kouyate hereby accept the Offer of Judgment set forth in your letter dated October 11, 2023, a copy of which is attached hereto as Exhibit A.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Seth A. Safier", is enclosed in a thin black rectangular border.

Seth A. Safier, Esq.

# EXHIBIT A



October 11, 2023

**Offer of Judgment Pursuant to Rule 68 of the Federal Rules of Civil Procedure**

*Via E-mail: [seth@gutridesafier.com](mailto:seth@gutridesafier.com)*

Seth Safier  
Gutride Safier LLP  
100 Pine St #1250  
San Francisco, CA 94111

Re: *Brown et. al v. Nature's Path Foods*, No. 3:21-cv-05132 (N.D. Cal.)  
*Morrissey v. Nature's Path Foods, Inc.*  
*Kouyate v. Nature's Path Foods, Inc.*

Counsel:

This is a letter addressed to you and your clients—Molly Brown, Parsa Miller, Lauren Morgan, Michael McBride, Kaaron Warren, Brenden Morrissey and Moussa Kouyate (collectively, “Your Clients”) offering entry of judgment pursuant to Rule 68 of the Federal Rules of Civil Procedure. This is a written offer of settlement and, as such, Business and Professions Code section 6103.5, California Rule of Professional Conduct 3-510(a), New York Rule of Professional Conduct 1.4(a)(iii), and Massachusetts Rule of Professional Conduct 1.4 each require that you forward this communication to Your Clients. We are entitled to learn, in discovery, if you have done so.

Our proposal, as set forth further below, is: \$10,000 to each of Your Clients, and \$930,000 to be paid to Gutride Safier LLP, for a total sum of \$1 million dollars, to include all damages, costs, and attorneys’ fees that may otherwise be recoverable by Your Clients in the above-captioned actions. This offer is premised on ***all*** of Your Clients accepting. This offer of judgment is made for the purposes specified in Rule 68 of the Federal Rules of Civil Procedure and is not to be construed either as an admission that Defendant is liable in this action or that any of Your Clients’ claims have merit or that Your Clients have suffered any damages. If accepted, this offer will result in Plaintiffs’ release of all current claims against Defendant in the above-captioned matters and the dismissal of the already-filed matter(s) with prejudice.

Pursuant to Rule 68, this offer of judgment will be deemed withdrawn unless Your Clients serve written notice of acceptance of the offer within fourteen (14) days of the date it is served. If any judgment finally obtained by Your Clients is not more favorable than the offer above, Your Clients must pay Defendant’s costs incurred after the offer was made, pursuant to Rule 68

**MORRISON FOERSTER**

425 MARKET STREET  
SAN FRANCISCO  
CALIFORNIA 94105-2482

TELEPHONE: 415.268.7000  
FACSIMILE: 415.268.7522

WWW.MOFO.COM

MORRISON & FOERSTER LLP

AUSTIN, BEIJING, BERLIN, BOSTON,  
BRUSSELS, DENVER, HONG KONG,  
LONDON, LOS ANGELES, MIAMI,  
NEW YORK, PALO ALTO, SAN DIEGO,  
SAN FRANCISCO, SHANGHAI, SINGAPORE,  
TOKYO, WASHINGTON, D.C.

Sincerely,



Claudia M. Vetesi